

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Request for Waiver by	)	
	)	
Twin Hills School	)	File No SLD-326114
Okmulgee, Oklahoma	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: August 4, 2003**

**Released: August 5, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Waiver filed by Twin Hills School, Okmulgee, Oklahoma (Twin Hills), seeking a waiver of the Commission's rules governing the schools and libraries universal service support mechanism.<sup>1</sup> Specifically, Twin Hills, requests a waiver of the filing deadline for Funding Year 2002.<sup>2</sup> For the reasons set forth below, we deny the Waiver Request.

2. In its decisions, SLD determined that the FCC Form 471 that Twin Hills submitted was not the correct, OMB-approved FCC Form 471 for Funding Year 2002.<sup>3</sup> Twin Hills makes no argument in its appeal to the Commission as to why it submitted the wrong form, and requests that their application be reconsidered.<sup>4</sup>

3. We find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule and such deviation

<sup>1</sup> Letter from Donna Martin, Twin Hills School, to Federal Communications Commission, filed August 19, 2002 (Waiver Request)

<sup>2</sup> See Waiver Request

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Donna Martin, Twin Hills School, dated June 24, 2002, Letter from Schools and Libraries Division, Universal Service Administrative Company, to Donna Martin, Twin Hills School, dated February 8, 2002

<sup>4</sup> See Waiver Request

would better serve the public interest than strict adherence to the general rule.<sup>5</sup> Here, Twin Hills fails to present good cause as to why it should receive a waiver of the filing requirements.<sup>6</sup> Therefore, we deny the Waiver Request.

4        ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§0.91, 0.291, 1.3, and 54.722(a), that the Waiver Request filed by Twin Hills School, Okmulgee, Oklahoma, on August 19, 2002 is DENIED.

## FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

<sup>5</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*), see also *WAT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).

<sup>6</sup> See e.g. *Request for Waiver by Gunter Independent School District, Federal-State Joint Board on Universal Service, National Exchange Carrier Association, Inc.*, File Nos. SLD-265245, 265266, 265308, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 305 (Wireline Comp. Bur. 2003).